

**Enrolled Minutes of the One Hundredth Regular or Special Meeting  
For the Twenty-Seventh Highland Town Council  
Regular Meeting  
Monday, December 14, 2015**

*Study Session.* The Twenty-Seventh Town Council of the Town of Highland, Lake County, Indiana met in a study session preceding the regular meeting on Monday, December 14, 2015 at 6:45 O'clock P.M. in the regular place, the meeting chambers of the Highland Municipal Building, 3333 Ridge Road, Highland, Indiana.

**Silent Roll Call:** Councilors Bernie Zemen, Mark Herak, Dan Vassar, Steve Wagner and Konnie Kuiper were present. The Clerk-Treasurer, Michael W. Griffin was present to memorialize the proceedings. A quorum was attained.

**General Substance of Matters Discussed.**

1. The Town Council reviewed and discussed the agenda of the imminent regular meeting.
2. The Town Council discussed the import and implications of the changes to the snow route system that would be enacted if Proposed Ordinance No. 1608 is adopted. The discussion included the extent that some discretion would be exercised in enforcement, as the new standard would prohibit all parking in any snowfall of 1 inch or more.

The study session ended at 7:04 O'clock p.m.

*Regular meeting.* The Twenty Seventh Town Council of the Town of Highland, Lake County, Indiana met in its regular session on Monday, December 14, 2015 at 7:05 O'clock P.M. in the regular place, the plenary meeting chambers of the Highland Municipal Building, 3333 Ridge Road, Highland, Indiana.

The Town Council President, Mark A. Herak, presided and the Town Clerk-Treasurer, Michael W. Griffin, was present to memorialize the proceedings. The meeting was opened with Councilor Steve Wagner reciting the Pledge of Allegiance to the Flag of the United States of America and offering a prayer.

**Roll Call:** Present on roll call were Councilors Bernie Zemen, Mark Herak, Dan Vassar, Steve Wagner and Konnie Kuiper. The Clerk-Treasurer, Michael W. Griffin was present to memorialize the proceedings. A quorum was attained.

**Additional Officials Present:** Rhett L. Tauber, Esq., Town Attorney; John M. Bach, Public Works Director; Peter Hojnicky, Metropolitan Police Chief; William R. Timmer, Jr., CFOD, Fire Chief; Alex M. Brown, CPRP, Superintendent of Parks and Recreation; Cecile Petro, Redevelopment Director; and Kenneth J. Mika, Building Commissioner, were present.

*Also present:* Randy Bowman, Assistant Inspector for Electrical Code; and Ed Dabrowski IT Director (Contract); and Derek Snyder, P.E., of NIES Engineering, Inc., were also present.

**Minutes of the Previous Meetings:** The minutes of the regular meeting of 23 November 2015 were approved by general consent.

With leave from the Town Council, the Town Council President expressed condolences to the Jim DeGraaf family, on his recent death.

**Appointments:**

• **Statutory Boards and Commissions**

*Executive Appointments (May be made in meeting or at another time)*

*(Appointments have been placed on agenda in case there is readiness to act)*

1. **Vacancy on Legislative appointments to the Plan Commission.** *(Acknowledged. Clerk-Treasurer received Don Haynes resignation on Tuesday 8, September, 2015. It is dated September 4, 2015. See IC 5-8-3.5-1(a)(4) and IC 5-8-4-4(b) effective upon filing.)*

Councilor Vassar moved, seconded by Councilor Kuiper moved the appointment of Councilor **Bernie Zemen** to the Municipal Plan Commission, to fill the vacancy on made by the departure of Don Haynes. Upon a roll call vote, there were five affirmatives and no negatives. The motion passed. Councilor Zemen was appointed.

**Home Rule Commissions**

*Legislative Appointments*

1. **Identify the Appointees.** Pursuant to the Incorporation Documents, the Town Council has two appointees to the *Board of Directors of the Town Theater, Incorporated.* *These appointees have not been identified. The Nominating Committee of the Board requires this information to inform its work for the coming year as some terms are expiring for members of the Board.*

Councilor Vassar moved that member Michael Griffin be both identified as a Town Council appointment and be reappointed and further that member Keith Bruxvoort be identified as a Town Council appointment. *(It was noted that the one year inaugural term of member Michael Griffin was expiring, and he would be eligible for reappointment for a three year term and that Mr. Bruxvoort's term was not yet expired.)*

Upon a roll call vote, there were five affirmatives and no negatives. The motion passed. Griffin and Bruxvoort were identified as Town Council appointments to the Board of Directors of the Town Theater, Inc., and Griffin was reappointed.

**Staff Reports:** The following staff reports were received and filed.

• **Building & Inspection Report for November 2015**

Permit Type	Number	Residential	Commercial	Est. Cost	Fees
Commercial Buildings:		0	0	\$0.00	\$0.00
Commercial Additions or Remodeling:	8	0	8	\$237,189.00	\$10,295.50
Signs:	2	0	2	\$3,509.00	\$531.00
Single Family:	0	0	0	\$0.00	\$0.00
Duplex/Condo:	0	0	0	\$0.00	\$0.00
Residential Additions:	0	0	0	\$0.00	\$0.00
Residential Remodeling:	85	85	0	\$460,607.00	<b>\$8,793.50</b>
Garages:	1	1	0	\$22,000.00	\$437.50
Sheds:	3	3	0	\$4,438.00	\$252.00
Decks & Porches:	4	4	0	\$3,165.00	\$618.00
Fences:	3	3	0	\$7,367.00	\$274.00
Swimming Pools:	0	0	0	\$0.00	\$0.00
DrainTile/ Waterproofing:	6	6	0	\$36,710.00	\$801.00

Miscellaneous	3	3	0		\$292.50
<b>TOTAL:</b>	<b>115</b>	<b>105</b>	<b>10</b>	<b>\$774,985.00</b>	<b>\$22,295.00</b>
Electrical Permits	12	11	1		\$1,256.50
Mechanical Permits	10	8	2		\$740.00
Plumbing Permits	9	6	3		\$1,051.75
Water Meters	2	1	1		\$725.00
Water Taps	0	0	0		\$0.00
Sewer/Storm Taps	0	0	0		\$0.00
<b>TOTAL Plumbing:</b>	<b>11</b>	<b>7</b>	<b>4</b>		<b>\$1,776.75</b>

**November Code Enforcement:**

Investigations: 107  
Citations: 6

**November Inspections:**

Building: 35    Electrical: 25    Plumbing: 13    HVAC: 7  
Electrical Exam: 1

**• Fire Department Report for November 2015**

	Month	2nd half of year
General Alarms	5	56
Still Alarms	7	26
Paid still alarms	31	70
<b>Total:</b>	<b>43</b>	

**• Workplace Safety Report for November 2015**

There was one incident to report for November. The following incident summary was filed:

Department	Injuries this Month	Year to Date 2015	Total in 2014	Restricted Days 2015	Lost Workdays This Year (2015)	Restricted Days Last Year (2014)	Lost Workdays Last Year (2014)
Parks	0	1	1	0	0	0	0
Fire	0	0	0	0	0	0	0
Police	0	1	2	0	0	0	1
Street	0	2	2	0	0	0	0
Water & Sewer	1	4	7	5	0	170	56
Maint.	0	0	3	0	0	35	47
Other	0	0	1	0	0	0	0
<b>TOTALS</b>	<b>1</b>	<b>8</b>	<b>16</b>	<b>5</b>	<b>0</b>	<b>205</b>	<b>104</b>

Effective January 1, 2002, OSHA changed the record keeping guidelines. The municipality now counts the number of days lost from the day after the injury until the employee returns to work. Weekend, holidays, vacation days or other days scheduled off are included in the lost days count to a maximum of 180 days.

**Unfinished Business and General Orders:**

- 1. Proposed Enactment No. 2015-55:** An Enactment Regarding the Disposition of Surplus on Deposit to the Credit of the Water Cash Reserve Fund, Authorizing its transfer to the Corporation General Fund, pursuant to I.C. 8-1.5-3-11 et seq.

Councilor Zemen introduced and moved the consideration of Enactment No. 2015-55 at the same meeting of its introduction. Councilor Wagner seconded. Upon a roll call

vote, a unanimous vote being necessary, there were five affirmatives and no negatives. The motion passed. The Enactment could be considered at the same meeting of its introduction.

Councilor Zemen moved the passage and adoption of Enactment No. 2015-55 at the same meeting of its introduction. Councilor Wagner seconded. Upon a roll call vote, a two-third vote being necessary, there were five affirmatives and no negatives. The motion passed. The Enactment was adopted at the same meeting of its introduction.

**TOWN COUNCIL of the TOWN of HIGHLAND  
ENACTMENT NO. 2015-55**

An Enactment Regarding the Disposition of Surplus on Deposit to the Credit of the Water Cash Reserve Fund, Authorizing its transfer to the Corporation General Fund, pursuant to I.C. 8-1.5-3-11 et seq.

**WHEREAS**, The Town of Highland by proper legislative action has established a Department of Waterworks pursuant to IC 36-1.4-4, codified as Chapter 12.05 of the Highland Municipal Code;

**WHEREAS**, The Department of Waterworks is governed by the provisions of IC 8-1.5-4 and IC 8-1.5-3 in its operations and management of assets;

**WHEREAS**, Indiana Code 8-1.5-4-11 particularly provides for the establishment by ordinance of a Cash Reserve Fund for the waterworks, for its stewardship for loans, and transfers for payments in lieu of taxes and under IC 8-1.5-3-8(e) for rates that support reasonable return on the utility plant of the municipality;

**WHEREAS**, Pursuant to IC 8-1.5-3-11 (b), the Town of Highland has established a Waterworks Cash Reserve Fund, under Section 12.05.050 (A) of the Highland Municipal Code;

**WHEREAS**, Pursuant to IC 8-1.5-3-11 (d), the Town of Highland adopted in its budget for FY 2015 an amount to include in the corporation general fund budget, in an amount, which could have been equal to the amount in the Cash Reserve Fund at June 30 of the current year, that is the year of the budget's preparation;

**WHEREAS**, The amount in the Cash Reserve Fund at June 30, 2014 was \$924,236.53; and,

**WHEREAS**, Pursuant to IC 8-1.5-3-11 (d), the Town Council as the municipal legislative body did in July of this year transfer a **portion** of the adopted amount identified in the adopted budget for FY 2015, from the Water Cash Reserve Fund, in the amount of \$300,000;

**WHEREAS**, Pursuant to IC 8-1.5-3-11 (d), the Town Council as the municipal legislative body desires to transfer **another portion** of the adopted amount identified in the adopted budget for FY 2015, that amount being \$275,000;

**NOW, THEREFORE BE IT ENACTED** by the Town Council of the Town of Highland, Lake County, Indiana as follows:

**Section 1.** That pursuant to the provisions of IC 8-1.5-3-11(d), the Town Council hereby finds and determines the following:

- (A) That the Town Council adopted and the Department of Local Government Finance approved by order the budget of the Town for FY 2015, which for its municipal general fund did include an amount of up to \$ 800,000 to be transferred from the municipal utility cash reserve fund;
- (B) That there is a Waterworks Cash Reserve Fund established by the municipality under Section 12.05.050 of the municipal code and the amount on deposit to that cash reserve fund at June 30, 2014 was nine hundred twenty-four thousand, two hundred thirty-six dollars and fifty-three cents (\$924,236.53);
- (C) That the Town Council on July 13<sup>th</sup> 2015, authorized the amount of \$300,000 to be transferred as a portion of the budgeted amount for FY 2015, from the Water Cash Reserve Fund to the Corporation General Fund;
- (D) That the Town Council as the municipal legislative body now desires to transfer another portion of the adopted amount identified in the adopted budget for FY 2015, that amount being \$275,000;

- (E) That any transfer herein authorized does not impair or adversely affect compliance with any terms or conditions of any bond ordinance or resolution, indenture, contract or similar instrument binding upon the municipality;
- (F) That the most recently adopted and effective rates and charges of the Department of Waterworks provide for rates that support reasonable return on the utility plant of the municipality, pursuant to IC 8-1.5-3-8(e), with such reasonable return to be deposited in the Cash Reserve Fund;

**Section 2.** That for the expenses of said municipality, the amount of Two hundred seventy-five thousand dollars (\$275,000) are hereby transferred and set apart from the **Waterworks Cash Reserve Fund** for deposit in the **Corporation General Fund**, subject to the laws governing the same, subject to the approval of the Board of Waterworks Directors, as set forth in Indiana Code 8-1.5-3-11(a);

**Section 3.** That the Clerk-Treasurer is hereby authorized and requested as follows:

- (A) **To seek the approving action of the Board of Waterworks Directors as set forth above; and,**
- (B) **Upon approval, to transfer the sum identified and as authorized herein;**

**Section 4.** That, in addition to the express authority conferred herein, the Clerk-Treasurer as the disbursing and fiscal officer of the Municipality, is hereby authorized and requested to take such steps as necessary to carry out the purposes of this enactment;

**Section 5.** That the money transferred may be expended from the Corporation General Fund, for purposes permitted by law, and after its appropriation in the manner set forth in IC 6-1.1-18.

Introduced and Filed on the 14<sup>th</sup> day of December 2015. Consideration on same evening of introduction attained a vote of 5 in favor and 0 opposed, pursuant to IC 36-5-2-9.8.

**DULY ORDAINED AND ADOPTED** this 14<sup>th</sup> day of December 2015 by the Town Council of the Town of Highland, Lake County, Indiana, having been passed by a vote of 5 in favor and 0 opposed.

**TOWN COUNCIL of the TOWN of  
HIGHLAND, INDIANA**

\_\_\_\_\_  
Mark A. Herak, President (IC 36-5-2-10)

**Attest:**

\_\_\_\_\_  
Michael W. Griffin, IAMC/MMC/CPFA/CPFIM/CMO  
Clerk-Treasurer (IC 33-16-4-1; IC 36-5-6-5)

**Approval by the Board of Waterworks Directors**

It is hereby certified that the foregoing transfer from the cash reserve fund to the corporation general fund was considered at a regular or special meeting of the Highland Board of Waterworks Directors.

The transfer identified herein is duly approved pursuant to the provisions of IC 8-1.5-3-11(a) by the Board of Waterworks Directors of the Town of Highland, Lake County, Indiana, this 17<sup>th</sup> day of December 2015 having passed by a vote of \_\_\_\_ in favor and \_\_\_\_ opposed.

**THE HIGHLAND WATER WORKS  
BY IT'S BOARD OF DIRECTORS:**

\_\_\_\_\_  
Keith Bruxvoort, President

**Attest:**

\_\_\_\_\_  
George M. Georgeff, Secretary

2. **Proposed Ordinance No. 1607.1578-C:** An Ordinance To Further Amend Ordinance No. 1578, An Ordinance To Establish The Wage And Salary Rates Of The Elected Officers, The Non-Elected Officers, And The Employees Of The Town Of Highland, Indiana, Particularly Regarding Change To The Staffing Authority Of The Public Works Department (Agency). *(If adopted will create and authorize the new position of*

Operations Director.)

Councilor Vassar introduced and moved the consideration of Proposed Ordinance No. 1607.1578-C at the same meeting of its introduction. Councilor Kuiper seconded. Upon a roll call vote, a unanimous vote being necessary, there were five affirmatives and no negatives. The motion passed. The ordinance could be considered at the same meeting of its introduction.

Councilor Vassar moved the passage and adoption of Proposed Ordinance No. 1607.1578-C at the same meeting of its introduction. Councilor Kuiper seconded. Upon a roll call vote, a two-third vote being necessary, there were five affirmatives and no negatives. The motion passed. The ordinance was adopted at the same meeting of its introduction.

**ORDINANCE No. 1607.1578-C  
of the  
TOWN of HIGHLAND, INDIANA**

**AN ORDINANCE to FURTHER AMEND ORDINANCE No. 1578, AN ORDINANCE TO ESTABLISH THE WAGE and SALARY RATES of the ELECTED OFFICERS, the NON-ELECTED OFFICERS, and the EMPLOYEES of the TOWN of HIGHLAND, INDIANA, PARTICULARLY REGARDING CHANGE TO THE STAFFING AUTHORITY of the PUBLIC WORKS DEPARTMENT (AGENCY).**

**WHEREAS**, Title 36, Article 1 Chapter 4 of the Indiana Code confers certain general corporate powers on the several units of government in Indiana;

**WHEREAS**, Section fifteen of that chapter specifically provides that a unit of government may fix the level of compensation of its officers and employees; and

**WHEREAS**, I.C. 36-5-3-2 further provides in pertinent part that the town legislative body shall provide reasonable compensation for the other town officers and employees;

**WHEREAS**, I.C. 36-5-3-2(b), still further provides that the Town Legislative body shall, by ordinance fix the compensation of its own members and the Town Clerk-Treasurer;

**WHEREAS**, I.C. 36-5-3-2(c) still further provides that the compensation of an elected town officer may not be changed in the year for which it is fixed, nor may it be reduced below the amount fixed for the previous year; and

**WHEREAS**, The Town Council of the Town of Highland, as the town legislative body, now desires to amend the ordinance that was adopted to fix the compensation of its elected officers, appointed officers and employees of the Town for the year 2015 and thereafter;

**NOW, THEREFORE, BE IT HEREBY ORDAINED** by the Town Council of the Town of Highland, Lake County, Indiana, as follows:

**Section 1.** That Section 9 (A)(2) of Ordinance No. 1578 be amended by repealing Section 9(A)(2) of that Ordinance in its entirety and replacing with the following section, which shall be numbered as Section 9 (A)(2) and read as follows:

**Section 9.** That subject to the provisions of this ordinance, the salary and wages for the non-elected officers and employees of the Town of Highland are hereby fixed for its **Public Works Department** as follows:

**(A) Supervisory Employees**

**(2) Effective from June 21, 2015 bi-weekly:**

Public Works Director	( 1 )		
With an employer provided vehicle:			\$ 3,055.92
Without an employer provider vehicle:			\$ 3,209.22
 Assistant Public Works Director	 ( 1 )		
With an employer provided vehicle:		\$ 2,549.63	\$ 2,549.63
Without an employer provider vehicle:		\$ 2,702.96	\$ 2,702.96
 <b>Operations Director</b>	 ( 1 )		
<b>With an employer provided vehicle:</b>		\$ 2,549.63	\$ 2,549.63
<b>Without an employer provider vehicle:</b>		\$ 2,702.96	\$ 2,702.96

Supervisor Streets	( 1 )	\$ 2,154.69	\$ 2,154.69
Supervisor Water & Sewer	( 1 )	\$ 2,154.69	\$ 2,154.69
Supervisor Maintenance	( 1 )	\$ 2,154.69	\$ 2,154.69
Supervisor Facilities	( 1 )	\$ 2,154.69	\$ 2,154.69

**Section 2.** That all portions of ordinances in conflict with this ordinance are hereby repealed and are of no further force nor effect;

**Section 3.** That a job description be on file for any position created and authorized by this ordinance and maintained on file with the Public Works Department (Agency) and the Office of the Clerk-Treasurer;

**Section 4.** (A) That an emergency exists for the immediate taking affect of this Ordinance which, shall become effective and shall remain in full force and effect from and *after the date of its passage and adoption* pursuant to any constrains currently in force in Ordinance No. 1578 and until its repeal or amendment by subsequent enactment;

(B) That the Clerk-Treasurer shall have authority to implement the provisions of this ordinance pursuant to the authority expressly conferred in IC 36-5-6-6 (a) (3) & (4).

Introduced and Filed on the 14<sup>th</sup> day of December 2015. Consideration on same day or at same meeting of introduction sustained a vote of 5 in favor and 0 opposed, pursuant to IC 36-5-2-9.8.

**DULY ORDAINED and ADOPTED** this 14<sup>th</sup> Day of December 2015 by the Town Council of the Town of Highland, Lake County, Indiana, having been passed by a vote of 5 in favor and 0 opposed.

**TOWN COUNCIL of the TOWN of  
HIGHLAND, INDIANA**

Mark A. Herak, President (IC 36-5-2-10)

**Attest:**

Michael W. Griffin, IAMC/MMC/CPFA/CPFIM/CMO  
Clerk-Treasurer (IC 33-16-4-1;IC 36-5-6-5)

**3. Proposed Ordinance No. 1608: An Ordinance Amending The Stopping, Standing, And Parking Code For The Town Of Highland, Indiana, Repealing All Ordinances In Conflict Therewith, and Declaring An Emergency.**

Councilor Vassar introduced and moved the consideration of Proposed Ordinance No. 1608 at the same meeting of its introduction. Councilor Zemen seconded. Upon a roll call vote, a unanimous vote being necessary, there were five affirmatives and no negatives. The motion passed. The ordinance could be considered at the same meeting of its introduction.

Councilor Vassar moved the passage and adoption of Proposed Ordinance No. 1608 at the same meeting of its introduction. Councilor Wagner seconded. Upon a roll call vote, a two-third vote being necessary, there were five affirmatives and no negatives. The motion passed. The ordinance was adopted at the same meeting of its introduction.

**ORDINANCE NO.1608  
of the  
TOWN OF HIGHLAND, INDIANA**

**AN ORDINANCE AMENDING THE STOPPING, STANDING, AND PARKING CODE FOR THE TOWN OF HIGHLAND, INDIANA, REPEALING ALL ORDINANCES IN CONFLICT THEREWITH, AND DECLARING AN EMERGENCY.**

**WHEREAS,** The Town Council of the Town of Highland is the municipal legislative body of the unit;  
and

**WHEREAS,** With the passage of time various Ordinances, Codes, and Procedures of the Town of Highland must be amended; and

**WHEREAS**, With the passage of time various practices, policies, and procedures must be updated;  
and

**WHEREAS**, The Town Council is interested in amending the Stopping, Standing, and Parking Code to protect the public health, safety and welfare in all traffic safety programs to meet local needs, among others things; and

**WHEREAS**, The Town Council desires to amend the Stopping, Standing, and Parking Code in order to insure public health, safety and welfare insofar as they are affected by traffic laws and traffic safety education within the Town of Highland, Indiana, and to provide that vehicle operators that do not comply with these provisions shall be penalized to provide a minimum level of health and safety as required herein;

**WHEREAS**, The Town Council desires to repeal Ordinance No.10.20.220 and replace it with this current version of the Stopping, Standing, and Parking Code;

**NOW, THEREFORE, BE IT ORDAINED BY** the Town Council of the Town of Highland, Lake County, Indiana, as follows:

**Section 1.** That Section 10.20.220 of the Highland Municipal Code be repealed in its entirety and replaced with a successor amendment, to be numbered Section 10.20.220, which shall read as follows:

**Chapter 10.20.220**

**SPECIAL REGULATIONS FOR SNOW REMOVAL**

- (A) It is hereby declared and proclaimed that it is necessary for the public health and safety that the streets of the town be cleared of snow, and if the clearing of the snow is impeded and delayed by vehicles parked on the streets, such impediment and delay is detrimental to the public health and safety.
- (B) Whenever there has been snow of one inch or more, no person shall park a vehicle on any street until such time that the snow has been cleared from the streets. Vehicles shall be relocated to areas off street or to on-street areas that have been previously cleared of snow.
- (C) If such vehicles are not removed from the streets after ticketing, it shall be the duty of the officer to employ a reputable person to remove such vehicle from the streets and store them at a garage or within a vehicle pound, and the reasonable cost of removal and storage shall be paid by the owners of the vehicle.
- (D) Whenever any vehicle is found to be in violation of this section, then the officer finding such vehicle shall take its registration number and any other information displayed on such vehicle which may identify its owner or user, and shall conspicuously affix to such vehicle a ticket.

**Section 2.** That the amendment provided in this ordinance shall be effective from and after its passage and adoption as evidenced by the signature of the Town Council President and attested thereto by the Clerk-Treasurer, all pursuant to IC 36-5-2-10 and IC 36-5-2-10.2.

Introduced and filed on the 14<sup>th</sup> day of December 2015. Consideration on the first reading sustained by a vote of 5 in favor and 0 opposed, pursuant to I.C. 36-5-2-9.8.

**DULY ORDAINED AND ADOPTED** this 14th day of December 2015 by the Town Council of the Town of Highland, Lake County, Indiana, having been passed by a vote of 5 in favor and 0 opposed.

**TOWN COUNCIL OF THE TOWN OF  
HIGHLAND, INDIANA**

**MARK HERAK, President** (IC 36-5-2-10)

**ATTEST:**

Michael W. Griffin, IAMC/MMC/CPFA/CPFIM/CMO  
Clerk-Treasurer (IC 33-16-4-1; IC 36-5-6-5)

**4. Resolution No. 2015-56:** An Exigent Resolution Providing For The Transfer Of Appropriation Balances From And Among Major Budget Classifications In The **Motor Vehicle Highway Fund** As Requested By The Proper Officer And Forwarded To The Town Council For Its Action Pursuant to IC 6-1.1-18-6.

Councilor Kuiper moved the passage and adoption of Resolution No. 2015-56. Councilor Wagner seconded. Upon a roll call vote, there were five affirmatives and no negatives. The motion passed. The resolution was adopted.

TOWN OF HIGHLAND  
APPROPRIATION TRANSFER RESOLUTION  
RESOLUTION NO. 2015-56

AN EXIGENT RESOLUTION PROVIDING for the TRANSFER of APPROPRIATION BALANCES from and AMONG MAJOR BUDGET CLASSIFICATIONS in the MOTOR VEHICLE HIGHWAY FUND as REQUESTED BY THE PROPER OFFICER AND FORWARDED to the TOWN COUNCIL for its ACTION PURSUANT TO IC 6-1.1-18-6.

WHEREAS, It has been determined that certain exigent conditions have developed since adoption of the original budget and it is now necessary to transfer certain appropriations into different categories than were initially appropriated for the various functions of the **Motor Vehicle Highway Fund**;

NOW, THEREFORE BE IT RESOLVED by the Town Council of the Town of Highland, Lake County, Indiana as follows:

**Section 1.** That for the expenses of said municipality, the following appropriations are hereby transferred and set apart out of the funds hereinafter named for the purposes specified, subject to the laws governing the same, such sums herein transferred unless otherwise stipulated by law;

**Section 2.** That it has been shown that certain existing unobligated appropriations of the **Motor Vehicle Highway Fund** which are not needed at this time for the purposes for which originally appropriated, and may be transferred to a category of appropriation in order to satisfy an existing need, as follows:

MOTOR VEHICLE HIGHWAY (MVH) FUND

Reduce Accounts:		
#210.01 Gasoline and Oil		\$ 20,000.00
	<i>Total 200 Series Reductions</i>	\$ 20,000.00
Increase Account:		
#111.31 Laborer's Wages		\$ 20,000.00
	<i>Total 100 Series Increases</i>	\$ 20,000.00
	<b>Total of All Fund Decreases:</b>	\$ 20,000.00
	<b>Total of All Fund Increases:</b>	\$ 20,000.00

DULY RESOLVED and ADOPTED this 14 Day of December 2015 by the Town Council of the Town of Highland, Lake County, Indiana, having been passed by a vote of 5 in favor and 0 opposed.

TOWN COUNCIL of the TOWN of  
HIGHLAND, INDIANA

Mark Herak, President (IC 36-5-2-10)

Attest:

Michael W. Griffin, IAMC/MMC/CPFA/CPFIM/CMO  
Clerk-Treasurer (IC 33-16-4-1; IC 36-5-6-5)

5. **Resolution No. 2015-57:** An Exigent Resolution Providing For The Transfer Of Appropriation Balances From And Among Major Budget Classifications In The **Solid Waste District Grant Fund** As Requested by the Proper Officer And Forwarded To The Town Council For Its Action Pursuant to IC 6-1.1-18-6.

Councilor Wagner moved the passage and adoption of Resolution No. 2015-57. Councilor Vassar seconded. Upon a roll call vote, there were five affirmatives and no negatives. The motion passed. The resolution was adopted.

TOWN OF HIGHLAND  
APPROPRIATION TRANSFER RESOLUTION

RESOLUTION NO. 2015-57

AN EXIGENT RESOLUTION PROVIDING for the TRANSFER of APPROPRIATION BALANCES from and AMONG MAJOR BUDGET CLASSIFICATIONS in the SOLID WASTE DISTRICT GRANT FUND as REQUESTED BY THE PROPER OFFICER AND FORWARDED to the TOWN COUNCIL for its ACTION PURSUANT TO IC 6-1.1-18-6.

WHEREAS, It has been determined that certain exigent conditions have developed since adoption of the original budget and it is now necessary to transfer certain appropriations into different categories than were initially appropriated for the various functions of the **Solid Waste Grant Fund**;

NOW, THEREFORE BE IT RESOLVED by the Town Council of the Town of Highland, Lake County, Indiana as follows:

**Section 1.** That for the expenses of said municipality, the following appropriations are hereby transferred and set apart out of the funds hereinafter named for the purposes specified, subject to the laws governing the same, such sums herein transferred unless otherwise stipulated by law;

**Section 2.** That it has been shown that certain existing unobligated appropriations of the **Solid Waste DISTRICT Grant Fund** which are not needed at this time for the purposes for which originally appropriated, and may be transferred to a category of appropriation in order to satisfy an existing need, as follows:

SOLID WASTE DISTRICT GRANT FUND

Reduce Accounts:		
#430.05 Equipment		\$ 14,000.00
	<i>Total 400 Series Reductions</i>	\$ 14,000.00
Increase Account:		
#380.04 Vendor Recycling Subsidy		\$ 14,000.00
	<i>Total 300 Series Increases</i>	\$ 14,000.00
	<b>Total of All Fund Decreases:</b>	\$14,000.00
	<b>Total of All Fund Increases:</b>	\$14,000.00

DULY RESOLVED and ADOPTED this 14 Day of December 2015 by the Town Council of the Town of Highland, Lake County, Indiana, having been passed by a vote of 5 in favor and 0 opposed.

TOWN COUNCIL of the TOWN of  
HIGHLAND, INDIANA

Mark Herak, President (IC 36-5-2-10)

Attest:

Michael W. Griffin, IAMC/MMC/CPFA/CPFIM/CMO  
Clerk-Treasurer (IC 33-16-4-1; IC 36-5-6-5)

6. **Resolution No. 2015-58:** An Exigent Resolution Providing For The Transfer Of Appropriation Balances From And Among Major Budget Classifications in the **Metropolitan Police Department of the Corporation General Fund** As Requested by the Proper Officer And Forwarded To The Town Council For Its Action Pursuant to IC 6-1.1-18-6.

Councilor Kuiper moved the passage and adoption of Resolution No. 2015-58. Councilor Zemen seconded. Upon a roll call vote, there were five affirmatives and no negatives. The motion passed. The resolution was adopted.

TOWN OF HIGHLAND  
APPROPRIATION TRANSFER RESOLUTION  
RESOLUTION NO. 2015-58

AN EXIGENT RESOLUTION PROVIDING for the TRANSFER of APPROPRIATION BALANCES from and AMONG MAJOR BUDGET CLASSIFICATIONS in the METROPOLITAN POLICE DEPARTMENT in the CORPORATION GENERAL FUND as REQUESTED BY THE PROPER OFFICER AND FORWARDED to the TOWN COUNCIL for its ACTION PURSUANT TO IC 6-1.1-18-6.

**WHEREAS**, It has been determined that certain exigent conditions have developed since adoption of the original budget and it is now necessary to transfer certain appropriations into different categories than were initially appropriated for the various functions of the **Metropolitan Police Department in the Corporation General Fund**;

**NOW, THEREFORE BE IT RESOLVED** by the Town Council of the Town of Highland, Lake County, Indiana as follows:

**Section 1.** That for the expenses of said municipality, the following appropriations are hereby transferred and set apart out of the funds hereinafter named for the purposes specified, subject to the laws governing the same, such sums herein transferred unless otherwise stipulated by law;

**Section 2.** That it has been shown that certain existing unobligated appropriations of the **Metropolitan Police Department in the Corporation General Fund** which are not needed at this time for the purposes for which originally appropriated, and may be transferred to a category of appropriation in order to satisfy an existing need, as follows:

CORPORATION GENERAL FUND

**Metropolitan Police Department**

Reduce Accounts:	
#111.09 FT SS Clerk	\$ 60,000.00
#111.21 Patrol	\$ 50,000.00
#111.25 Animal Warden	<u>\$ 7,480.00</u>
<i>Total 100 Series Reductions</i>	<b>\$ 117,480.00</b>

Increase Accounts:	
#110.30 Overtime	<u>\$ 12,000.00</u>
<i>Total 100 Series Increases</i>	<b>\$ 12,000.00</b>

Increase Accounts:	
#210.04 Inst. Supplies	\$ 1,000.00
#203.04 Other Supplies	<u>\$ 58,883.00</u>
<i>Total 200 Series Increases</i>	<b>\$ 59,883.00</b>

Increase Accounts:	
#390.05 Animal Quarantine	\$ 5,000.00
#320.03 Telephone	<u>\$ 8,797.00</u>
<i>Total 300 Series Increases</i>	<b>\$ 13,797.00</b>

Increase Accounts:	
#430.05 New Car Equipment	\$ 16,000.00
#430.06 PD Other Equip Computer	<u>\$ 15,800.00</u>
<i>Total 200 Series Increases</i>	<b>\$ 31,800.00</b>

<b>Total of All Fund/Department Decreases:</b>	<b>\$ 117,480.00</b>
<b>Total of All Fund/Department Increases:</b>	<b>\$ 117,480.00</b>

**DULY RESOLVED and ADOPTED** this 14th Day of December 2015 by the Town Council of the Town of Highland, Lake County, Indiana, having been passed by a vote of 5 in favor and 0 opposed.

**TOWN COUNCIL of the TOWN of  
 HIGHLAND, INDIANA**

Mark Herak, President (IC 36-5-2-10)

Attest:

Michael W. Griffin, IAMC/MMC/CPFA/CPFIM/CMO  
 Clerk-Treasurer (IC 33-16-4-1; IC 36-5-6-5)

**7. Resolution No. 2015-59:** A Resolution Authorizing, Delegating and Instructing the Town Council President to Vote for members of the Board of Directors of Trust between the Town of Highland and the Indiana Association of Cities and Towns, Operating as a Cooperative Health Benefit Arrangement, pursuant to I.C. 5-10 et seq; and IC 36-1-3.

Councilor Kuiper moved the passage and adoption of Resolution No. 2015-59. Councilor Wagner seconded. Upon a roll call vote, there were five affirmatives and no negatives. The motion passed. The resolution was adopted.

**Town of Highland  
Resolution No. 2015-59**

**A RESOLUTION AUTHORIZING, DELEGATING AND INSTRUCTING THE TOWN COUNCIL PRESIDENT TO VOTE FOR MEMBERS OF THE BOARD OF DIRECTORS OF TRUST BETWEEN THE TOWN OF HIGHLAND AND THE INDIANA ASSOCIATION OF CITIES AND TOWNS, OPERATING AS A COOPERATIVE HEALTH BENEFIT ARRANGEMENT, PURSUANT TO I.C. 5-10 ET SEQ; AND IC 36-1-3.**

**WHEREAS**, Title 36, Article 1 Chapter 4 of the Indiana Code confers certain general corporate powers on the several units of government in Indiana;

**WHEREAS**, Title 5, Article 10, Chapters 2.2 and 2.6 enables a public employer to provide programs of group health insurance by purchasing policies of group insurance or establishing self-insurance programs;

**WHEREAS**, Title 5, Article 10, Chapter 8 further enables two or more public employer to establish a common and unified plan of group insurance for employees, including retired employees;

**WHEREAS**, The Town Council of the Town of Highland, previously approved the Town of Highland's participation and founding membership in a cooperative health benefit arrangement for the good of all qualified members of the Indiana Association of Cities and Towns authorizing entry into an Agreement and Declaration of Trust of the IACT Medical Trust;

**WHEREAS**, The cooperative health benefit arrangement for the good of all qualified members of the Indiana Association of Cities and Towns forming the IACT Medical Trust, is governed by a board of directors;

**WHEREAS**, All member cities and towns of the cooperative health benefit arrangement for the good of all qualified members of the Indiana Association of Cities and Towns forming the IACT Medical Trust, is empowered to participate in the election of the board of directors; and

**WHEREAS**, The Town Council of the Town of Highland now desires to delegate, and confer authority upon the Town Council President to complete and submit the official ballot on behalf of the Town of Highland,

**NOW, THEREFORE BE IT RESOLVED** by the Town Council of the Town of Highland, Lake County, Indiana, as follows:

**Section 1.** That the Town of Highland is a founding member in the cooperative health benefit arrangement for the good of all qualified members of the Indiana Association of Cities and Towns operated as the IACT Medical Trust;

**Section 2.** That the Town of Highland as a participating member in the cooperative health benefit arrangement for the good of all qualified members of the Indiana Association of Cities and Towns operated as the IACT Medical Trust, is entitled to submit a ballot in the election of the Board of Directors of the Trust;

**Section 3.** That the Town Council of the Town of Highland now authorizes, delegates and instructs the Town Council President to complete the authorized ballot for the forthcoming election of members to the **Board of Directors of the IACT Medical Trust**, voting for no more than four nominees to serve on the Board for a three-year term, which commences January 1, 2016;

**Section 4.** That the Town Council of the Town of Highland also takes legislative notice that there are five nominees, of which only four may be elected, those nominees being (1) Beverley Austin, Avon Town Council Vice President; (2) Sue Essman, City of Angola Human Resources Director and current member; (3) **Michael Griffin, Highland Town Clerk-Treasurer** and current member; (4) James Mann, City of Monticello Clerk-Treasurer and current member; and (5) Tony Rowarski, City of Lafayette Mayor and current member;

**Section 5.** That the Town Council of the Town of Highland further instructs the Town Council President to select the Town Clerk-Treasurer and three other nominees for a term on the Board of Directors, and submit the completed ballot on or before the deadline of Thursday, December 17, 2015;

**DULY RESOLVED AND ADOPTED** this 14<sup>th</sup> Day of December 2015, by the Town Council of the Town of Highland, Lake County, Indiana, having been passed by a vote of 5 in favor and 0 opposed.

**TOWN COUNCIL of the TOWN of  
HIGHLAND, INDIANA**

**Mark A. Herak, President (IC 36-5-2-10)**

**ATTEST:**

Michael W. Griffin, IAMC/MMC/CPFA/CPFIM  
Clerk-Treasurer (IC 33-16-4-1; IC 36-5-6-5)

8. **Resolution No. 2015-60:** A Resolution Authorizing the Entry into an Interlocal Cooperation Agreement between and Among Several Lake County Governmental Entities with the Purpose of Providing Resources to Support the Extension and Improvement of Commuter Rail Services Provided by the Northern Indiana Commuter Transit District.

Councilor Wagner moved the passage and adoption of Resolution No. 2015-60. Councilor Zemen seconded. Upon a roll call vote, there were five affirmatives and no negatives. The motion passed. The resolution was adopted.

TOWN of HIGHLAND  
HIGHLAND TOWN COUNCIL  
RESOLUTION NO. 2015-60

**A RESOLUTION AUTHORIZING THE ENTRY INTO AN INTERLOCAL COOPERATION AGREEMENT BETWEEN AND AMONG SEVERAL LAKE COUNTY GOVERNMENTAL ENTITIES WITH THE PURPOSE OF PROVIDING RESOURCES TO SUPPORT THE EXTENSION AND IMPROVEMENT OF COMMUTER RAIL SERVICES PROVIDED BY THE NORTHERN INDIANA COMMUTER TRANSIT DISTRICT**

**Whereas**, Indiana Code 36-1-7-1, et seq., allows governmental entities to make the most efficient use of their powers by enabling them to mutually purchase and utilize equipment, supplies, services, and resources for their mutual benefit;

**Whereas**, The participating governmental entities located in Lake County, Indiana are empowered by the aforesaid Interlocal Cooperation act, as amended to contract on behalf of each other on a basis of mutual advantage so as to better provide public services and facilities at a lesser cost; and

**Whereas**, The participating governmental entities located in Lake County, Indiana who are signatories to this agreement, now desire to enter into an agreement constructed pursuant to IC. 36-1-7-1, et seq., with The Northern Indiana Commuter Transportation District, by and through its Board of Trustees, to provide for the ability to provide capital financing for the mutual benefit of the participating entities, and at a shared cost, to support the extension and improvement of commuter rail segments associated with a "West Lake Commuter Rail Transportation Corridor";

**Whereas**, Town of Highland acknowledges the advocacy of Congressman Peter Visclosky in promoting this agreement and its objects and purposes, and now desires to act to support this project by the adoption of the interlocal cooperation agreement,

**Now Therefore**, in consideration of the mutual terms, covenants, and conditions set forth herein, the Town of Highland, through its Town Council, now does hereby resolve as follows:

**Section 1.** That Town Council shall take all appropriate and legal measures to enter into an Interlocal Cooperation Agreement with the participating governmental entities located in Lake County, Indiana and the Northern Indiana Commuter Transportation District, by and through its Board of Trustees, to provide for the ability to provide capital financing for the mutual benefit of the participating entities, and at a shared cost, to support the extension and improvement of commuter rail segments associated with a "West Lake Commuter Rail Transportation Corridor";

**Section 2.** That the Interlocal Cooperation Agreement for the mutual benefit of the political subdivisions herein named, at shared costs, pursuant to the applicable provisions of Indiana Code 36-1-7-1, et seq., as amended from time to time A joint agreement, a copy of which is attached and incorporated herein by reference, among and between the Incorporated Town of Highland and the participating governmental entities is hereby authorized and approved in each and every respect;

**Section 3.** The President of the Highland Town Council and the Clerk-Treasurer are hereby authorized to execute the joint Interlocal Governmental Agreement with their signatures upon the participant counterpart and any additional documents in order to implement the agreement;

**Section 4.** This agreement shall be effective as indicated in and pursuant to its provisions, after the agreement has been authorized and approved by such other participating governmental entities as may elect, evidenced by passage and adoption of a similar resolution or ordinance all pursuant to I.C. 36-1-7-2.

**Duly passed, resolved and adopted** by the Town Council acting as the Works Board of the Town of Highland, Lake County, Indiana, this 14<sup>th</sup> Day of December 2015 by a vote of 5 in favor and 0 opposed.

TOWN COUNCIL of the TOWN of  
HIGHLAND, INDIANA

Mark A. Herak, President (IC 36-5-2-10)

ATTEST:

Michael W. Griffin, IAMC/MMC/CPFA/CPFIM/CMO  
Clerk-Treasurer (IC 33-16-4-1; IC 36-5-6-5)

**INTERLOCAL COOPERATION AGREEMENT BETWEEN AND AMONG SEVERAL LAKE COUNTY GOVERNMENTAL ENTITIES WITH THE PURPOSE OF PROVIDING RESOURCES TO SUPPORT THE EXTENSION AND IMPROVEMENT OF COMMUTER RAIL SERVICES PROVIDED BY THE NORTHERN INDIANA COMMUTER TRANSIT DISTRICT**

**Whereas**, Indiana Code 36-1-7-1, et seq., allows governmental entities to make the most efficient use of their powers by enabling them to mutually purchase and utilize equipment, supplies, services, and resources for their mutual benefit;

**Whereas**, The participating governmental entities located in Lake County, Indiana are empowered by the aforesaid Interlocal Cooperation act, as amended to contract on behalf of each other on a basis of mutual advantage so as to better provide public services and facilities at a lesser cost; and

**Whereas**, The participating governmental entities located in Lake County, Indiana who are signatories to this agreement, now desire to enter into an agreement constructed pursuant to IC. 36-1-7-1, et seq., with The Northern Indiana Commuter Transportation District, by and through its Board of Trustees, to provide for the ability to provide capital financing for the mutual benefit of the participating entities, and at a shared cost, to support the extension and improvement of commuter rail segments associated with a "West Lake Commuter Rail Transportation Corridor";

**Now Therefore**, In consideration of the mutual terms, covenants, and conditions set forth herein, the participating governmental entities located in Lake County, Indiana, by and through their proper boards of authority, hereby agree as follows:

**Section 1. Duration of Agreement; Amendments.**

(A) The duration of this agreement shall be from its adoption by the Government of Lake County, and the other municipal governments, provided this agreement is adopted by either ordinance or resolution by each of the proper boards of authority of the relevant aforesaid governmental entities as participating entities, then continuing for thirty (30) years from **February 1, 2015, extending to and concluding on June 30, 2044**, renewable thereafter by agreement of the parties, evidenced by passage of similar resolutions or ordinances, should the purposes of this agreement require it.

(B) Notwithstanding the provisions of this Section, the pledged revenues contributed by the participating governmental entities may be discontinued by participating entities earlier than the herein named concluding date, provided that funds on deposit to the credit of the fund described in Section 5 of this agreement are sufficient to meet all obligations of the fund toward the non-federal share, including any debt service or capital lease rentals.

(C) Before payments may be discontinued, the Enhanced Entity must certify that the resources of the fund described in Section 5 of this agreement are sufficient to meet all obligations of the fund toward the non-federal share, including any debt service or capital lease rentals.

(D) This agreement may be amended by unanimous consent of the participating entities, evidenced by passage and adoption by the same body and officers that are empowered to initially adopt this agreement; provided, that no amendment may be made to the provisions of Section 8, and that no amendment shall be authorized that would impair the ability of the Enhanced Entity to satisfy any debts, liabilities, or obligations for which county economic development income taxes are pledged or otherwise encumbered, or that would adversely affect the owners of any outstanding bonds or any lease rentals due, all pursuant to IC 6-3.5-7-12.7 and IC 6-3.5-7-13.1(d).

**Section 2. Purposes and Objectives.**

The purpose of this agreement is to authorize and allow the *Enhanced Entity* to employ the resources on deposit to the credit of the fund described in Section 5 of this agreement to support and finance the extension and improvement of **commuter rail transportation services and connecting them across communities** on behalf of the

several participating entities for the mutual benefit of the participating entities generating an economy of scale for the achievement of the objectives herein described. Actions to carryout the purposes and objects of this agreement may include but are not limited to the following:

- (1) Provide resources to support the Northern Indiana Commuter Transportation District (NICTD), by and through its Board of Trustees to engage professional services in support of preliminary environmental and engineering activities;
- (2) **Provide resources to support the construction, improvement and related activities to affect the extension of commuter rail associated with the segments, which are part of a "West Lake Commuter Rail Transportation Corridor."**
- (3) **"West Lake Commuter Rail Transportation Corridor" shall be defined as the planned course and location described in the relevant Environmental Impact Statement's (EIS) scope, which includes an area from Chicago, Illinois to approximately Saint John, Indiana;**

**Section 3. Administration and Authority Delegation.**

(A) This agreement shall be administered through an Indiana Political Subdivision styled as Lake County, Indiana, acting on behalf of all the participating governmental entities and in cooperation with the Northern Indiana Commuter Transportation District. The separate entity shall be known as the *Enhanced Entity*. When acting under this agreement, Lake County shall be an *Enhanced entity*, implementing the provisions of this agreement. The legislative and fiscal powers of the *Enhanced Entity* shall be exercised by the Lake County Council. The executive powers of the *Enhanced Entity* shall be exercised by the Board of Lake County Commissioners. These powers shall be construed to include all powers directly granted it under the relevant laws of Indiana, those powers permitted under I.C. 36-1-7-2 and those powers exercisable by the participating entities individually and outlined in relevant Indiana law, deemed necessary to carryout the project and purposes described in Section 2 of this agreement.

(B) The Auditor of Lake County shall perform all usual duties associated with Auditor's office as clerk of the *Enhanced Entity*, as required by law as generally set forth in IC 36-2-9, sections 7 and 8.

**Section 4. Fiscal Administration.**

(A) This agreement hereby delegates to the duly elected Auditor of Lake County, the duty to disburse and account for all moneys of this undertaking pursuant to the terms of this agreement. including performing these duties for the fund described in Section 5. This agreement further delegates to the duly elected Treasurer of Lake County the duty to receive, invest and account for all moneys of this undertaking pursuant to the terms of the this agreement, including performing these duties for the fund described in Section 5. This includes the authority to receive the pledged contributions from the participating governmental entities, made under the provisions of this agreement, any donations from non-participating entities, and including contributions from the participating governmental entities that may come in the form of transfers made pursuant to **IC 6-3.5-7-12.7**, or designations made under I.C. 6-3.5-7-15(a)(2).

(B) In all cases, The Treasurer and the Auditor of Lake County shall perform all usual duties associated with their offices and as required by law in regards to the money and resources described in this interlocal agreement generally and in particular to the resources associated with the fund described in Section 5 of this agreement.

**Section 5. Commuter Rail Extension & Improvement Fund.**

(A) There is hereby created and established the ***Commuter Rail Extension and Improvement Fund***, which shall be a distinct and separate special purpose fund, to be under the fiscal administration of the Lake County Treasurer and Lake County Auditor, as a special non-reverting fund established for the purposes of supporting the activities and services including engineering obtained or construction conducted in consequence of this agreement, including debt or capital lease financing, pursuant to the laws of the State of Indiana governing public entities.

(B) Expenditures from this fund may only be for the purposes for which this fund was established as set forth in this Interlocal Cooperative Agreement:

- (1) Expenditures from this fund may be made only upon appropriation by the **Lake County Council** as the appropriating body for the *Enhanced Entity*;
- (2) Expenditures from this fund may only be for the purposes of set forth in this agreement and according to its terms.

(C) The sources of money for the fund may be as follows:

- (1) The pledged *contributions or designations* from the participating governmental entities of their certified distributions of County Economic Development Income Tax, described and authorized in this Interlocal Cooperative Agreement and in IC 6-3.5-7 et seq.
- (2) Interest earned from the investment of moneys on deposit to the credit of the fund created by this agreement, provided such investments are conducted pursuant to IC 5-13-9 et seq.;
- (3) Gifts, donations, bequests and other voluntary contributions from any person or entity to the fund consistent with the lawful purposes and objectives of the fund;
- (4) Money derived from state or Federal grants, matching funds, contributions from any other governmental entity not already described in this agreement; and
- (5) Contributions for such projects as may be consistent with the objects of I.C. 8-5-1, I.C. 8-5-15, I.C. 8-24 et seq., I.C. 36-9-1, **and subject to Section 9 (F) of this agreement**, including but not limited to multi-party or intergovernmental undertakings.

(D) Expenditures from the Fund shall be made from the proper category of expense and for the purposes of the fund, only after an appropriation has been made in the manner provided by statute for making other appropriations and shall be disbursed only on approved accounts payable vouchers allowed by the proper body of the *Enhanced Entity*. Further, expenditures shall only be made at a regular or special meeting of the proper body of the *Enhanced Entity*, pursuant to IC 5-11-10, I.C. 36-4-8, IC 36-5-4 and I.C. 36-2-6;

(E) The fund appropriations shall be further governed as follows:

- (1) All unused and unencumbered monies do not revert to any corporation or county general fund or to any fund but the fund created by this agreement;
- (2) The unused and unencumbered balance of an appropriation shall not lapse at the end of the year in which the appropriation was made nor does it revert, but remains in full force and effect to the credit of the fund created by this agreement without re-appropriation until the purpose for which the appropriation was made has been accomplished or abandoned;

(F) The Enhanced Entity shall cause a report on the condition of the Fund to be made to the participating governmental entities at least annually, with the annual report to be made by March 1 of the year first following the close of the fiscal year. The report shall be a public record subject to the provisions of IC 5-14-3 et seq.

#### **Section 6. Benchmarks and Resource Returns.**

(A) If the proper applications for the Federal Funds necessary and desirable to achieve the commuter rail extension and improvements described in this agreement have not been filed by **December 31, 2020**, all resources on deposit to the credit of the fund described in Section 5, shall be identified and distributed to the several participating entities and to any non entity donors **based upon the ratio of the actual contributions made by each to the total on deposit to the credit of the fund** upon satisfaction of all obligations and liabilities, which may have been incurred to date.

(B) Further, in the event that the purposes of this agreement are achieved or abandoned, after allowance for any encumbrances and all other lawful payables, the unobligated, unassigned, unreserved fund balance shall be identified and distributed to the several participating entities and to any non entity donors **based upon the ratio of the actual contributions made by each to the total on deposit to the credit of the fund** and the fund defeased upon satisfaction of all obligations and liabilities.

#### **Section 7. Findings and Determinations Regarding Uses of CEDIT.**

(A) The participating governmental entities hereby find and determine that the use of economic development income tax as may be contributed, transferred, allocated, or designated in support of the purposes of this interlocal cooperation agreement are fully consistent with the allowable purposes and uses of the economic development income tax as set forth and permitted in IC 6-3.5-7-13.1.

(B) That the participating governmental entities hereby further find and determine that the project, activities and purposes contemplated under this interlocal cooperation agreement, particularly assembling the combined CEDIT resources of Lake County, and the several cities and towns therein, working cooperatively with the Northern Indiana Commuter Transit District to extend and improve commuter rail service is an allowable *economic development project* and capital project for which bonds or capital lease financing are permitted under the terms of IC 6-3.5-7-13.1 and further contemplated under IC 36-1-7-11.5.

**Section 8. Pledges Irrevocable and Irreducible.**

(A) The *Enhanced Entity* may commit resources from the fund described in Section 5 of this agreement to pay the principal and interest on bonds issued to support the extension and improvement of commuter rail service in the West Lake Transportation Corridor or to support capital lease financing to support the extension and improvement of commuter rail service in the West Lake Transportation Corridor.

(B) For the duration of the agreement, no participating governmental entity may take any step that would impair the ability of the *Enhanced Entity* to satisfy any debts, liabilities, or obligations for which county economic development income taxes are pledged or otherwise encumbered, nor shall they expend the county economic development income taxes in a manner that would adversely affect the owners of any outstanding bonds or any lease rentals due, all pursuant to IC 6-3.5-7-12.7 and IC 6-3.5-7-13.1(d).

(C) For the duration of the agreement, no participating governmental entity may reduce the percentage of county economic development income taxes pledged by it at the time of the adoption of this agreement; however, this does not prohibit a participating governmental entity from increasing its percentage as long as at no time it does not fall below the percentage first pledged at the time of this agreement's adoption.

**Section 9. Participating Governmental Entities, Pledged Percentages and Additional Provisions.**

(A) In consideration of the mutual promises contained herein, the provisions, terms and pledges to which the participating governmental entities have consented, contained and listed in the attached exhibit styled as *Pledged Revenues and Participating Entities*, is hereby adopted, approved, and incorporated by reference and the exhibit is made of essence to this agreement.

(B) Participating Entities may increase their pledges by action of their fiscal body, as defined in IC 36-1-2-6, with the approval of their executive, as defined in I.C. 36-1-2-5, and then communicating this change to the Auditor of Lake County as Clerk of the *Enhanced Entity*. Upon notification of the change, the proper officer will cause the exhibit described in Section 9 (A) of this agreement to be modified, to reflect that change without effect upon those pledges then in place. Once modified, the successor exhibit becomes a part of this Interlocal Cooperative Agreement subject to its terms and conditions.

(C) Governmental entities may become participating entities at any time during the life of this agreement. Such entities desiring to become participating entities may do so by performing the following:

- (1) Adopting an ordinance or resolution, agreeing to the terms of this interlocal cooperation agreement;
- (2) Fixing a percentage pledge of county economic development income tax or any regular recurrent revenue lawful for the purposes of this agreement as a pledged contribution under the agreement by action of their fiscal body;
- (3) Communicate this action to the Auditor of Lake County as Clerk of the Enhanced Entity;
- (4) Further evidence this action and approval by execution and transmission of the proper participant counterpart, which shall be made a part of this interlocal cooperation agreement. Upon notification of the new participating entity, the proper officer will cause the exhibit described in Section 9 (A) to be modified, to reflect this addition without effect upon those pledges then in place. Once modified, the new or successor exhibit becomes a part of this Interlocal Cooperative Agreement subject to its terms and conditions.

(D) That the Executive as defined in I.C. 36-1-2-5, of all participating entities shall prepare and faithfully file the *Capital Improvement Plan* that includes the necessary provisions so as to be consistent with the terms of this interlocal cooperative agreement and in accord with I.C. 6-3.5-7-15.

(E) That the legislative or fiscal bodies of all the participating entities *shall* approve and pass the appropriations necessary to the extent that it supports and fulfills those provisions of the Capital Improvement Plan adopted by the municipal executive according to the duty outlined in Section 9 (D) of this agreement and consistent with the terms of this interlocal cooperation agreement.

(F) That the contributed funds or pledged revenues from participating governmental entities as described in this Section, shall be utilized to satisfy project requirements creditable to the non-Federal cost-share.

**Section 10. Title.**

The extensions and improvements financed or constructed in consequence of and according to the purposes of this agreement, become property of the Northern Indiana Commuter Transit District (NICTD), to the extent those improvements are within its particular lawful boundaries or jurisdiction, all according to law.

**Section 11. Counterparts.**

This Interlocal Agreement may be executed in several counterparts, each of which when so executed shall be deemed to be an original, and such counterparts, together, shall constitute but one and the same instrument, which shall be sufficiently evidenced by any such original counterpart.

**Section 12. Recording.**

Before this agreement takes effect, it must be recorded with the Office of the Lake County Recorder. No later than sixty (60) days after it takes effect and is recorded, the agreement must be filed with the Office of the State Board of Accounts for audit purposes, all pursuant to I.C. 36-1-7-6.

**EXHIBIT: Pledged Revenues and Participating Entities**

(1) The **County of Lake**, by and through its County Commission and Council, agrees to and shall contribute no less than **twenty-five percent (25%)** of its annual certified distribution of county economic development income tax as set forth in I.C. 6-3.5-7-12, according to the terms of this interlocal cooperation agreement to be deposited with the fund described in Section 5 of this agreement, to be used by the Lake County Board of Commissioners acting as an enhanced entity, to be payable according to terms and frequencies that the Enhanced Entity may direct;

(2) The **City of Crown Point**, by and through its fiscal body with the approval of the executive, agrees to and shall contribute no less than **ten percent (10%)** of its annual certified distribution of county economic development income tax as set forth in I.C. 6-3.5-7-12, according to the terms of this interlocal cooperation agreement to be deposited with the fund described in Section 5 of this agreement, to be used by the Lake County Board of Commissioners acting as an enhanced entity, to be payable according to terms and frequencies that the Enhanced Entity may direct;

(3) The **Town of Dyer**, by and through its fiscal body with the approval of the executive, agrees to and shall contribute no less than **fifteen percent (15%)** of its annual certified distribution of county economic development income tax as set forth in I.C. 6-3.5-7-12, according to the terms of this interlocal cooperation agreement to be deposited with the fund described in Section 5 of this agreement, to be used by the Lake County Board of Commissioners acting as an enhanced entity, to be payable according to terms and frequencies that the Enhanced Entity may direct;

(4) The **City of Gary** by and through its fiscal body with the approval of the executive, agrees to and shall contribute one hundred thousand dollars (\$100,000) in 2015 and each year thereafter, no less than **seven and one half percent (7.5%)** of its annual certified distribution of county economic development income tax as set forth in I.C. 6-3.5-7-12, according to the terms of this interlocal cooperation agreement to be deposited with the fund described in Section 5 of this agreement, to be used by the Lake County Board of Commissioners acting as an enhanced entity, to be payable according to terms and frequencies that the Enhanced Entity may direct;

(5) The **Town of Highland**, by and through its fiscal body with the approval of the executive, agrees to and shall contribute no less than **twelve percent (12%)** of its annual certified distribution of county economic development income tax as set forth in I.C. 6-3.5-7-12, *beginning with the certified amount in FY 2016*, according to the terms of this interlocal cooperation agreement to be deposited with the fund described in Section 5 of this agreement, to be used by the Lake County Board of Commissioners acting as an enhanced entity, to be payable according to terms and frequencies that the Enhanced Entity may direct;

(7) The **City of Hobart**, by and through its fiscal body with the approval of the executive, agrees to and shall contribute no less than **eighteen percent (18%)** of its annual certified distribution of county economic development income tax as set forth in I.C. 6-3.5-7-12, according to the terms of this interlocal cooperation agreement to be deposited with the fund described in Section 5 of this agreement, to be used by the Lake County Board of Commissioners acting as an enhanced entity, to be payable according to terms and frequencies that the Enhanced Entity may direct;

(8) The **City of Lake Station**, by and through its fiscal body with the approval of the executive, agrees to and shall contribute no less than **twenty percent (20%)** of its annual certified distribution of county economic development income tax as set forth in I.C. 6-3.5-7-12, according to the terms of this interlocal cooperation agreement to be deposited with the fund described in Section 5 of this agreement, to be used by the Lake County Board of Commissioners acting as an enhanced entity, to be payable according to terms and frequencies that the Enhanced Entity may direct;

(9) The **Town of Lowell**, by and through its fiscal body with the approval of the executive, agrees to and shall contribute no less than **fifteen percent (15%)** of its annual certified distribution of county economic development income tax as set forth in I.C. 6-3.5-7-12, according to the terms of this interlocal cooperation agreement to be deposited with the fund described in Section 5 of this agreement, to be used by the Lake County Board of Commissioners acting as an enhanced entity, to be payable according to terms and frequencies that the Enhanced Entity may direct;

(10) The **Town of Merrillville**, by and through its fiscal body with the approval of the executive, agrees to and shall contribute no less than **twenty-two percent (22%)** of its annual certified distribution of county economic development income tax as set forth in I.C. 6-3.5-7-12, according to the terms of this interlocal cooperation agreement to be deposited with the fund described in Section 5 of this agreement, to be used by the Lake County Board of Commissioners acting as an enhanced entity, to be payable according to terms and frequencies that the Enhanced Entity may direct;

(11) The **Town of Munster**, by and through its fiscal body with the approval of the executive, agrees to and shall contribute no less than **thirty-four percent (34%)** of its annual certified distribution of county economic development income tax as set forth in I.C. 6-3.5-7-12, *beginning with the certified amount in FY 2014*, according to the terms of this interlocal cooperation agreement to be deposited with the fund described in Section 5 of this agreement, to be used by the Lake County Board of Commissioners acting as an enhanced entity, to be payable according to terms and frequencies that the Enhanced Entity may direct;

(12) The **Town of New Chicago**, by and through its fiscal body with the approval of the executive, agrees to and shall contribute no less than **one percent (1%)** of its annual certified distribution of county economic development income tax as set forth in I.C. 6-3.5-7-12, according to the terms of this interlocal cooperation agreement to be deposited with the fund described in Section 5 of this agreement, to be used by the Lake County Board of Commissioners acting as an enhanced entity, to be payable according to terms and frequencies that the Enhanced Entity may direct;

(13) The **Town of Schererville**, by and through its fiscal body with the approval of the executive, agrees to and shall contribute no less than **ten percent (10%)** of its annual certified distribution of county economic development income tax as set forth in I.C. 6-3.5-7-12, according to the terms of this interlocal cooperation agreement to be deposited with the fund described in Section 5 of this agreement, to be used by the Lake County Board of Commissioners acting as an enhanced entity, to be payable according to terms and frequencies that the Enhanced Entity may direct;

(14) The **Town of Schneider**, by and through its fiscal body with the approval of the executive, agrees to and shall contribute no less than **twenty percent (20%)** of its annual certified distribution of county economic development income tax as set forth in I.C. 6-3.5-7-12, according to the terms of this interlocal cooperation agreement to be deposited with the fund described in Section 5 of this agreement, to be used by the Lake County Board of Commissioners acting as an enhanced entity, to be payable according to terms and frequencies that the Enhanced Entity may direct;

(15) The **City of Whiting**, by and through its fiscal body with the approval of the executive, agrees to and shall contribute no less than **twenty-five percent (25%)** of its annual certified distribution of county economic development income tax as set forth in I.C. 6-3.5-7-12, according to the terms of this interlocal cooperation agreement to be deposited with the fund described in Section 5 of this agreement, to be used by the Lake County Board of Commissioners acting as an enhanced entity, to be payable according to terms and frequencies that the Enhanced Entity may direct;

(16) The **Town of Winfield**, by and through its fiscal body with the approval of the executive, agrees to and shall contribute no less than **twenty-five percent (25%)** of its annual certified distribution of county economic development income tax as set forth in I.C. 6-3.5-7-12, according to the terms of this interlocal cooperation agreement to be deposited with the fund described in Section 5 of this agreement, to be used by the Lake County Board of Commissioners acting as an enhanced entity, to be payable according to terms and frequencies that the Enhanced Entity may direct;

#### **Participant Counterpart**

**EFFECTIVE DATE.** This agreement shall be effective under Section 1 of this agreement after the same has been ratified by each of the participating entities by Ordinance or Resolution all pursuant to I.C. 36-1-7-2.

**IN WITNESS WHEREOF**, the parties have caused this Interlocal Agreement to be executed in their names and on their behalf as of the date first written above.

TOWN of HIGHLAND, INDIANA  
3333 Ridge Road, Highland, Indiana 46322-2089

By and Through its Town Council

By: \_\_\_\_\_  
Mark A. Herak, President

Attest:  
\_\_\_\_\_  
Michael W. Griffin, Clerk-Treasurer  
Town of Highland

Participant Execution Date: \_\_\_\_\_

9. **Works Board Order No. 2015-38:** An Order Authorizing, and Approving the Payment of Elective Honoraria or Stipends to the Several Municipal Departments in Recognition of and in Goodwill for their Assistance and Support of the Several Events under the Aegis of the Community Events Commission and Ratifying the Payment of Elective Honoraria or Stipend to the Santa Claus in the Annual Highland Christmas Parade.

Councilor Vassar moved the passage and adoption of Works Board Order No. 2015-38. Councilor Kuiper seconded. Upon a roll call vote, there were five affirmatives and no negatives. The motion passed. The works board order was adopted.

**THE TOWN of HIGHLAND  
WORKS BOARD ORDER NO. 2015-38**

**AN ORDER AUTHORIZING, AND APPROVING THE PAYMENT OF ELECTIVE HONORARIA OR STIPENDS to the SEVERAL MUNICIPAL DEPARTMENTS in Recognition of and in Goodwill for their ASSISTANCE AND SUPPORT OF THE SEVERAL EVENTS UNDER THE AEGIS OF THE COMMUNITY EVENTS COMMISSION AND RATIFYING THE PAYMENT OF ELECTIVE HONORARIA OR STIPEND to the SANTA CLAUS IN THE ANNUAL HIGHLAND CHRISTMAS PARADE.**

**Whereas,** The Town Council for the Town of Highland is the Legislative and Fiscal Body of the Municipality as well as the works board pursuant to IC 36-1-2 et seq.,

**Whereas,** The Highland Community Events Commission, did organize and marshal several community events which included but were not limited to the annual Independence Day and Christmas Parades, the annual Independence Day Festival, and Historic Re-Enactments; and

**Whereas,** The Highland Community Events Commission did rely on the support and special services of the Highland Parks and Recreation Department, the Public Works Department (Agency) and the Volunteers in Police Services (VIPS) bureau as well as the Police Explorers of the Metropolitan Police Department in carrying out its programing for the year;

**Whereas,** The Highland Community Events Commission has informed the Town Council that is has been customary and is highly desirable for the payment of an honorarium or stipend to some of the participating municipal departments in recognition of their laudable support and contribution to the special event programming during the year;

**Whereas,** The Highland Community Events Commission has further recommended, requested and identified appropriations in the Special Events Non Reverting Fund be authorized to support the payment of these honoraria and stipends;

**Whereas,** The Town Council has been reliably advised that many employees of the Highland Parks and Recreation Department and the Public Works Department (Agency) and the Volunteers in Police Services (VIPS) bureau of the Metropolitan Police Department, do expend time, labor and creative process to support the Town of Highland's community programming; and,

**Whereas,** The Highland Community Events Commission, did organize and marshal the annual Christmas Parade; and

**Whereas,** The Highland Community Events Commission did arrange for the end of the parade to bring participants to meet with Santa Claus;

**Whereas,** The Highland Community Events Commission has informed the Town Council that it has been customary for the payment of an honorarium or stipend to Santa Claus;

**Whereas,** The Highland Community Events Commission has further recommended, requested and identified appropriations in the Special Events Non Reverting Fund be authorized to support the payment of these honoraria and stipends; and,

**Whereas,** Under its authority of IC 36-1-3, The Town passed and adopted Section §2.35.030 of the Highland Municipal Code which provides in pertinent part that the Town Council is authorized to budget and appropriate funds from the general fund of the town to pay the expenses incurred in promoting the best interests of the town and that such expenses may include, but not necessarily be limited to those incurred in developing relations with other units of government or any other expenses of civic or governmental nature deemed by the Town Council to be in the interests of the Town; and,

**Whereas,** The Town Council has reviewed the matter, and now desires to make findings and determinations related to these recommendations and requests and to favor the recommendation and request of the Community Events Commission, as made at its meeting of December 10, 2015,

**Now Therefore Be it hereby Ordered** by the Town Council of the Town of Highland, Lake County, Indiana:

**Section 1.** That the following named municipal departments, agencies or departmental bureaus, be paid an elective honorarium in the amount specified, in appreciation and recognition of their contribution and support for the year's community events, as follows:

(A)	Parks and Recreation Department	\$200.00
(B)	Public Works Department (Agency)	\$200.00
(C)	VIPS Bureau of the Metropolitan Police Department	\$200.00
(D)	Police Explorers	\$200.00

**Section 2.** That the Santa Claus and Elf, which participated in the most recent **Christmas Parade**, as may be identified by the Community Events Commission, be paid an elective honorarium, in appreciation and recognition of this participation, in the amount of two hundred dollars (\$200) payable to John Roberts;

**Section 3.** That the Town Council hereby finds and determines that the forgoing activities and items of expense are lawful and proper expenses incurred in promoting the best interests of the Town as set forth in Section §2.23.030 of the Highland Municipal Code which reads as follows:

§ 2.35.030 AUTHORITY OF TOWN COUNCIL TO REIMBURSE TOWN OFFICIALS FOR CERTAIN EXPENSES.

*The Town Council is hereby authorized to budget and appropriate funds from the general fund of the town to pay the expenses of, and to reimburse, town officials for expenses incurred in promoting the best interests of the town. Such expenses may include, but not necessarily be limited to meals, decorations, memorabilia, awards, expenses incurred in interviewing job applicants, expenses incurred in promoting industrial, commercial, and residential development, expenses incurred in developing relations with other units of government, and any other expenses of civic or governmental nature deemed by the Town Council to be in the interests of the town.*

**Section 4.** That the Town Council further finds and determines that the activities and expenses as described herein, while not paid from the Corporation General Fund, are uses and expenditures consistent with the purposes of the **Special Events Non Reverting Fund, when proper appropriations are accordingly approved;**

**Section 5.** That the Clerk-Treasurer is hereby authorized and instructed to prepare sufficient accounts payable vouchers against the appropriate fund and account for the benefit of each of the several municipal departments, agencies or bureaus as may be identified by the Community Events Commission, depicting the expense as an Honorarium or Stipend, in the amount herein fixed, to be paid to the proper *donation fund*, for the benefit of the named municipal department, agency or bureau, and to take such other measures to carry-out the purposes and objects of this order;

**Section 6.** That any actions taken by public officers in advance and in anticipation of the passage and adoption of this order, are hereby ratified, all pursuant to IC 36-1-4-16.

**Be it so ordered.**

**DULY, PASSED and ORDERED** by the Town Council of the Town of Highland, Lake County, Indiana, acting as the Works Board, this 14<sup>th</sup> day of December 2015 having passed by a vote of 5 in favor and 0 opposed.

**TOWN COUNCIL of the TOWN of**

HIGHLAND, INDIANA

Mark A. Herak, President (IC 36-5-2-10)

Attest:

Michael W. Griffin, IAMC/MMC/CPFA/CPFIM/CMO  
Clerk-Treasurer (IC 33-16-4-1;IC 36-5-6-5)

10. **Works Board Order No. 2015-39:** An Order Authorizing, And Approving The Purchase Of Turkeys For The Town Of Highland Employees In Recognition Of And In Goodwill For Their Service To The Town Of Highland.

Councilor Kuiper moved the passage and adoption of Works Board Order No. 2015-39. Councilor Zemen seconded. Upon a roll call vote, there were five affirmatives and no negatives. The motion passed. The works board order was adopted.

THE TOWN of HIGHLAND  
WORKS BOARD ORDER NO. 2015-39

AN ORDER AUTHORIZING, AND APPROVING THE PURCHASE OF TURKEYS for the TOWN OF HIGHLAND EMPLOYEES in Recognition of and in Goodwill for their SERVICE TO THE TOWN OF HIGHLAND.

**Whereas**, The Town Council for the Town of Highland is the Legislative and Fiscal Body of the Municipality as well as the works board pursuant to IC 36-1-2 et seq.,

**Whereas**, The Town Council, did organize and marshal the giving of turkeys to their town employees; purchase from Applewood Farm of Highland, Indiana in the amount of \$4,000.00 and

**Whereas**, The Town Council has further recommended, requested and identified appropriations in the Fund be authorized to support the payment of these turkeys;

**Whereas**, Under its authority of IC 36-1-3, the Town passed and adopted *Section 2.35.030 of the Highland Municipal Code*, which provides in pertinent part that the Town Council is authorized to budget and appropriate funds from the general fund of the town to pay the expenses incurred in promoting the best interests of the town and that such expenses may include, but not necessarily be limited to those incurred in developing relations with other units of government or any other expenses of civic or governmental nature deemed by the Town Council to be in the interests of the Town; and

**Whereas**, The Town Council has reviewed the matter, and now desires to make findings and determinations related to these recommendations and actions,

**Now Therefore Be it hereby Ordered** by the Town Council of the Town of Highland, Lake County, Indiana as follows:

**Section 1.** That the employee benefit for identified full-time and other certain year-round part-time workers granting a frozen turkey to express appreciation for members of the municipal workforce is hereby found and determined to be a proper exercise under the foregoing authority identified in the preamble;

**Section 2.** That the activity described in Section 1 of this order is hereby authorized and approved in an amount not to exceed \$4,000 and written records related to the activity shall be maintained;

**Section 3.** That any uncollected or undistributed turkeys are hereby found and determined to be unusable for the purposes for which they were obtained, and pursuant to IC 5-22-22-6 and IC 5-22-22-8(b) and shall be disposed of according to the terms IC 5-22-22 to a local food bank or pantry;

**Section 4.** That the Clerk-Treasurer is hereby authorized and instructed to prepare sufficient accounts payable vouchers against the appropriate fund and account for the vendor from which the turkeys were obtained;

**Section 5.** That any actions taken by public officers in advance and in anticipation of the passage and adoption of this order, are hereby ratified, all pursuant to IC 36-1-4-16.

**Be it so ordered.**

**DULY, PASSED and ORDERED** by the Town Council of the Town of Highland, Lake County, Indiana, acting as the Works Board, this 14<sup>th</sup> day of December having passed by a vote of 5 in favor and 0 opposed.

TOWN COUNCIL of the TOWN of  
HIGHLAND, INDIANA

Mark A. Herak, President (IC 36-5-2-10)

Attest:

Michael W. Griffin, IAMC/MMC/CPFA/CPFIM/CMO  
Clerk-Treasurer (IC 33-16-4-1;IC 36-5-6-5)

11. **Works Board Order No. 2015-40:** An Order Approving and Authorizing the Metropolitan Police Chief to Purchase from **Provinet Solutions** of Tinley Park IL, through the State of Indiana, computer software, hardware and a server pursuant to I.C. 5-22-8-2.

Councilor Kuiper moved the passage and adoption of Works Board Order No. 2015-40. Councilor Zemen seconded. Upon a roll call vote, there were five affirmatives and no negatives. The motion passed. The works board order was adopted.

**Town of Highland  
Board of Works  
Order of the Works Board 2015-40**

**An Order Approving and Authorizing the Metropolitan Police Chief to Purchase from Provinet Solutions of Tinley Park IL, through the State of Indiana, computer software, hardware and a server pursuant to I.C. 5-22-8-2.**

**Whereas**, The Town of Highland Metropolitan Police Department, as part of its public duties, has a responsibility for patrol, public safety and protection of life and property throughout the Town of Highland and, from time to time, it is necessary to purchase and or lease materials and supplies in order to carry out the functions of the department; and

**Whereas**, The Metropolitan Police Chief has determined a need to replace certain equipment and supplies and has further determined the purchase price will be below \$150,000.00.

**Whereas**, the Metropolitan Police Chief has identified Provinet Solutions of Tinley Park, IL through the State of Indiana to be a desirable source vendor for the purchase of Hardware and Software for a price of \$11,672.29 and to configure and install the server for a price of \$4125.00 for a total of \$15,797.29.

**Whereas**, the price for the purchase exceeds \$15,000.00 and, pursuant to Section 3.05.040 (C) as well as Section 3.05.050 (B)(2) of the Highland Municipal Code, such purchase requires the express approval of the purchasing agency; and

**Whereas**, The Town Council as the Works Board of the Municipality, pursuant to Section 3.05.030 (A)(1)(b) of the Highland Municipal Code serves as the purchasing agency for the Metropolitan Police Department; and

**Whereas**, The Metropolitan Police Chief, pursuant to Section 3.05.050 (D)(2) of the Highland Municipal Code, serves as the Purchasing Agent for the Metropolitan Police Department; and

**Whereas**, The Purchasing Agent, pursuant to Section 3.050.060 (G)(2) of the Highland Municipal Code, expected that the purchase would be less than \$50,000 and therefore purchase in the open market without inviting or receiving quotes;

**Whereas**, the purchase of the computer hardware and software and server will be supported by a duly approved appropriation in Metropolitan Police Department of the Corporation General Fund.

**Whereas**, The Town Council now desires to approve and authorize the Police Chief to complete the purchase pursuant to the terms and stated herein.

**Now, Therefore Be It Ordered** by the Town Council of the Town of Highland, Lake County, Indiana, acting as the Works Board of Municipality:

**Section 1:** That the Works Board hereby authorizes and approves the purchase from Provinet Solutions of Tinley Park, IL for the purchase of Hardware and Software at a price of \$11,672.29 and to configure and install

the server for a price of \$4125.00, for a total of \$15,797.29; pursuant to IC 5-22 and Section 3.05.060 (G) (2) of the Highland Municipal Code;

**Section 2:** That the Metropolitan Police Chief is now authorized and approved to execute the purchase agreement and any additional documents in order to implement this purchase and then file these documents as financial materials with the Office of the Clerk-Treasurer, pursuant to IC 36-5-4-14.

**Be It So Ordered.**

**DULY, PASSED and ORDERED** by the Town Council of the Town of Highland, Lake County, Indiana, acting as the Works Board, this 14<sup>th</sup> day of December 2015 having passed by a vote of 5 in favor and 0 opposed.

**TOWN COUNCIL of the TOWN of  
HIGHLAND, INDIANA**

Mark A. Herak, President (IC 36-5-2-10)

Attest:

Michael W. Griffin, IAMC/MMC/CPFA/CPFIM/CMO  
Clerk-Treasurer (IC 33-16-4-1; IC 36-5-6-5)

12. Works Board Order No. 2015-41: An Order of the Works Board Accepting and Approving a Local Public Agency (LPA) Project Coordination Contract Between the State of Indiana, through its Department of Transportation and the Town of Highland through its Town Council FOR 45th AVENUE and 5th Street Intersection Improvement Project. *Under general consent, this matter was postponed for further consideration to be taken up at a future meeting.*
13. **Works Board Order No. 2015-42:** A Resolution and Approving and Authorizing A Supplemental agreement between First Group Engineering, Incorporated and the Town of Highland to perform Design and Right of Way Acquisition and Engineering and professional services in support of the 45th and 5th Street Intersection Improvement Project.  
*(This should only be taken up if Works Board Order No. 2015-41 is passed and adopted.)  
Under general consent, this matter was postponed for further consideration to be taken up at a future meeting.*
14. **Commendation Letter for Day Off.** Action to approve Letter of Commendation for exemplary public service leading to the award of a single paid day off for **Rich Hoekstra**, the September Employee of the Month in the Public Works Department (agency); **John Zufall**, the October Employee of the Month in the Public Works Department (agency); **Aaron Krestel** the November Employee of the Month in the Public Works Department (agency); and **Brian Bell**, the December Employee of the Month in the Public Works Department (agency). Pursuant to Section 4.13 of the Compensation and Benefits Ordinance, for the paid day off to be effective requires the approval of the board of jurisdiction and the Town Council. *In this case, as the Town Council is also works board for the municipality, its approval alone is all that is required.*

Councilor Zemen moved to approve the several named persons for the letter of commendation, authorizing the paid day off. Councilor Kuiper seconded. Upon a roll call vote, there were five affirmatives and no negatives. The motion passed the letters of commendation and the paid days off for each worker were approved.

**NEW BUSINESS:**

**Change order for the Police Station Project was filed.** Councilor Wagner moved to approve the change order to Kwiatkowski, effecting a net reduction of \$780 in the contract price. Councilor Kuiper seconded. Upon a roll call vote, there were five affirmatives and no negatives. The motion passed. The change order was approved.

**Comments or Remarks from the Town Council:**

**(For the Good of the Order)**

- **Councilor Bernie Zemen:** *Chamber of Commerce Co-Liaison • Liaison to the Board of Waterworks Directors; Liaison to the Park and Recreation Board; Town Board of Metropolitan Police Commissioners, Liaison.*

Councilor Zemen expressed condolences for the family of Jim DeGraaf, who served on the Town Board of Metropolitan Police Commissioners and recently the Plan Commission and the Advisory Board of Zoning Appeals.

Councilor Zemen acknowledged the Parks and Recreation Superintendent who reported that there were over 1,100 runners in the recent Pumpkin Plod running race.

Councilor Zemen acknowledged the Police Chief who reminded all that on Saturday, December 19, 2015 an Open House and dedication ceremony would be conducted at the Highland Police Station at 10:00 a.m.

- **Councilor Dan Vassar:** *•Redevelopment Commission Liaison.*

Councilor Vassar also expressed sympathy to the family of James DeGraaf. He also wished all a Merry Christmas and Happy New Year.

Councilor Vassar acknowledged the Redevelopment Director, who reported that the Redevelopment Commission had selected Morris Architects to perform work related to the Town Theater restoration.

- **Councilor Steve Wagner:** *• Advisory Board of Zoning Appeals Liaison; Information Technology Liaison.*

Councilor Wagner expressed condolences to the DeGraaf family. He also wished all a Merry Christmas and Happy New Year.

Councilor Wagner acknowledged the Building Commissioner who briefly reported on a matter being sent to the Town Council from the Advisory Board of Zoning Appeals.

- **Councilor Konnie Kuiper:** *• Fire Department, Liaison • Chamber of Commerce Co-Liaison.*

Councilor Kuiper acknowledged the Fire Chief who offered a brief update on the status of the 911 PSAP consolidation for Lake County.

- **Council President Mark Herak:** *Municipal Executive • Budget and Finance Chair • Liaison to the Board of Sanitary Commissioners • Liaison to the Community Events Commission • Liaison to the Board of Waterworks Directors.*

Council President Herak acknowledged the Town Attorney, who offered his own condolences to the DeGraaf Family.

Council President Herak also expressed a Merry Christmas to all.

Council President Herak acknowledged the Public Works Director who reported on the progress of the Kennedy Avenue Water main Replacement.

It was also noted that Wednesday, December 16, 2015, Ultra Foods would be conducting a grand re-opening at 10:00 at the site of the Highland Store.

**Comments from Visitors or Residents:**

1. Rick Volbrecht, 9221 Parkway Drive, Highland, inquired about the impact of the adoption of a no parking policy during snows of 11 inch or more. Mr. Volbrecht expressed reservations about the policy and the undue impacts on residents.

Mr. Volbrecht also inquired about the position of Operations Director, created or authorized by Ordinance No. 1607.1578-C. Mr. Volbrecht inquired for what the position was to be responsible.

Mr. Volbrecht also expressed reservations for the participation in the NICTD Interlocal Cooperation Agreement that provides for contributions from County Economic Development Income Taxes, as he opined that the South Shore has "operating losses".

**Payment of Accounts Payable Vouchers.** There being no further comments from the public, Councilor Zemen moved to allow the vendors accounts payable vouchers as filed on the pending accounts payable docket, covering the period November 24, 2015 through December 14, 2015 and the payroll docket for November 27, 2015. Councilor Vassar seconded. Upon a roll call vote, there were five affirmatives and no negatives. The motion passed. The accounts payable vouchers for the vendor docket was allowed, payments allowed in advance were ratified, and for all remaining invoices, the Clerk-Treasurer was authorized to make payment.

**Vendors Accounts Payable Docket:**

**General Fund, \$293,760.74; Motor Vehicle Highway and Street (MVH) Fund, \$69,423.20; Local Road and Street Fund, \$16,834.20; Law Enforcement Training and Supply Fund, \$6,221.50; Flexible Spending Account Agency Fund, \$1,134.56; Insurance Premium Fund, \$140,409.98; Gasoline Agency Fund, \$1,071.00; Information and Communications Technology Fund, \$12,342.77; Special Events Non-reverting Fund, \$246.59; Police Pension Fund, \$61,019.82; Cumulative Capital Development Fund, \$1,525.00; Traffic Violations and Law Enforcement Agency Fund, \$12,765.00; Gaming Revenue Sharing Fund, \$6,628.75; Public Safety Income Tax Fund, \$35,676.56; Total: \$659,059.67.**

**Payroll Docket for payday of October 2, 2015:**

**Council, Boards and Commissions, \$8,502.00; Office of Clerk-Treasurer, \$15,158.32; Building and Inspection Department, \$7,157.37; Metropolitan Police Department, \$102,929.47; Fire Department, \$3,338.37; Public Works Department (Agency), \$67,805.65 and 1925 Police Pension Plan Pension Fund, \$60,802.38; Total Payroll: \$265,693.56.**

**Adjournment of Plenary Meeting.** Councilor Vassar moved that the plenary meeting be adjourned. Councilor Wagner seconded. Upon a vote *viva voce*, the motion passed. The regular plenary meeting of the Town Council of Monday, December 14, 2015 was adjourned at 8:02 O'clock p.m. There was no study session following this meeting.

Michael W. Griffin, IAMC/MMC/CPFA/CPFIM/CMO  
Clerk-Treasurer